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Trusteeship Council

Sixty-first Session

1704th Meeting

Tuesday, 24 May 1994, 10.30 a.m.

New York

Official Records

Temporary President: ..... Mr. Félix-Paganon (France)

The meeting was called to order at 10.45 a.m.

Opening of the sixty-first session

The Temporary President *(interpretation from French):* Acting as the temporary President in the absence of our President for the sixtieth session, Ambassador Thomas Richardson of the United Kingdom, I declare open the sixty-first session of the Trusteeship Council. I believe that this is an important session in the history of the Trusteeship Council, as we all hope that on this occasion we will be able to find the way to ensure the independence of the last Trust Territory, Palau.

Mr. Richardson has asked me to express to the Council his regret at not being able to be here today. As all members are aware, he assumed his new responsibilities in London some months ago. I am sure that I am reflecting the wishes of the Council in requesting the representative of the United Kingdom present today to convey our best wishes to Ambassador Richardson.

Adoption of the agenda (T/1979 and Add.1)

The Temporary President *(interpretation from French):* Are there any comments on the agenda?

Mr. Inderfurth (United States of America): The United States would like to propose the following amendments to the provisional agenda.

We would like to see items 8, 9 and 11 deleted and item 10 revised to read as follows:

"Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV))."

We would also like the items to be renumbered accordingly.

The Temporary President *(interpretation from French):* If there is no objection, I shall take it that the Council accepts the oral amendments proposed by the representative of the United States.

It was so decided.

The Temporary President *(interpretation from French):* In the provisional agenda, therefore, items 8, 9 and 11 are deleted and the former item 10, now item 8, is amended to read as follows:

"Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV))".

May I take it that the provisional agenda of the sixty-first session, contained in documents T/1979 and Add.1, as orally amended, is adopted?

The provisional agenda, as orally amended, was adopted.

94-85661 (E)

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

Report of the Secretary-General on credentials

The Temporary President *(interpretation from French):* I should like to inform members of the Council that the Secretary-General has not yet received the credentials of all members of the Council. I suggest, therefore, that this agenda item be considered at a future meeting.

It was so decided.

Election of the President and the Vice-President

The Temporary President *(interpretation from French):* I now invite members of the Council to elect the President for the sixty-first session. The election will be carried out by secret ballot pursuant to rule 41 of the rules of procedure of the Trusteeship Council.

A vote was taken by secret ballot.

Mr. Hubert Legal (France) was elected President unanimously.

The Temporary President *(interpretation from French):* Before handing the Chair over to Mr. Legal, I have the pleasant duty of paying tribute on behalf of the Council to his predecessor, Ambassador Richardson, for the skilful way in which he conducted the work of the Council last year and to congratulate the new President on his election. I assure him that he has the complete confidence of the Council. Finally, and above all, I thank the secretariat for its efficient support of the Council's work and the conduct of our debates.

I now invite Mr. Legal to take the Chair.

Mr. Legal took the Chair.

The President *(interpretation from French):* On behalf of France, and on my own behalf, I wish to express my pleasure and honour at being elected President of the sixty-first session of the Trusteeship Council. My country has a long history of cooperation with the Council.

As regards the present session, it is a particular honour for me to take the Chair at the invitation of Jean Félix-Paganon, whose energy, style and acumen are well-known to all at the United Nations. I wish to pay tribute to my predecessors - in particular, Mr. Thomas Richardson, who last year finished his assignment in New York - and to recall how, under their enlightened leadership, one of the main bodies of the United Nations has been able to carry out completely the mission entrusted to it nearly 50 years ago by the drafters of the Charter. This was no small task, since it involved helping to steer peoples and Territories to independence.

In that respect, the United Nations has risen to the task. Last year, in handing over the presidency, Jean Félix-Paganon expressed the hope that Thomas Richardson would be the last President of the Trusteeship Council. That wish was not entirely premature, for, it can be said that the Trusteeship System is now essentially a thing of the past and that the final phase, in which Palau will become an independent State Member of the United Nations, has begun.

It is in that spirit that I view the honour accorded me. During my presidency the Council's principal task will be to demonstrate the ability of the institutions established by the Charter to adjust to their real tasks in a spirit of flexibility and good use of available resources. The Council can rely on me to work to that end.

We shall now proceed to the election of the Vice-President of the Council.

A vote was taken by secret ballot.

Mr. Stephen Gomersall (United Kingdom) was elected Vice-President unanimously.

The President *(interpretation from French):* On behalf of the Council, I have pleasure in welcoming Mr. Gomersall to his new post. It will be a joy for me to work with him.

Organization of work

The President *(interpretation from French):* A tentative timetable for the work of the sixty-first session of the Trusteeship Council has been prepared and circulated to members of the Council. It was drawn up on the basis of the past experience and established procedure.

If there are no comments on this matter, I shall take it that the Council agrees to follow as closely as possible the timetable that has been circulated.

It was so decided.

Examination of the annual report of the Administering Authority for the year ended 30 September 1993: Trust Territory of the Pacific Islands (T/1980)

Mr. Inderfurth (United States of America): I should like to take this opportunity to introduce my colleague from the State Department, Ms. Lynne Lambert, and Mr. Allen Stayman, who is the Deputy Assistant Secretary of the Department of the Interior. I should also like to introduce the President of the Republic of Palau, Mr. Nakamura, and ask him to introduce his delegation before I proceed with my opening statement.

The Honourable Mr. Nakamura (Special Representative): With me this morning, representing our executive and legislative branches, are Mr. Andres Uherbelau, Minister of State, and his special assistant, Gustav Aitaro; Mr. Marcellino Melairei, Minister of Resources and Development; Mr. Temmy Shmull, my Chief of Staff; Mr. Nick Mansfield, Attorney General of Palau; Mr. Koichi Wong, National Planner; and Mr. Ari Nathan and Mr. Michael Chanin, Legal Counsel for the Republic of Palau.

Mr. Inderfurth (United States of America): I am pleased to extend my delegation's congratulations to you, too, Sir, on your election as President of the Trusteeship Council. Your leadership will be welcome as we finalize our role with regard to Palau's trusteeship.

Since the Trusteeship Council last met, Palau has taken major steps towards implementing its Compact of Free Association with the United States. In its 9 November plebiscite, 68 per cent of the voters approved the Compact. We should like to thank the Council for sending a mission to observe the referendum and for its continuing close attention to Palau.

Following the successful plebiscite, President Nakamura and his Administration have actively prepared for transition to independence. He and his Vice-President have met formally with the United States on four separate occasions to discuss transition issues. Our discussions have been productive and have taken us a long way towards preparing Palau to enter the international community as a sovereign State. We are confident that under President Nakamura's leadership Palau will soon complete the final steps that must be taken before the Compact enters into force. We fully support Palau's target date of 1 October 1994 as the implementation date for the Compact, provided that all legal requirements have been met.

Since the creation of the Trusteeship in 1947, the United States has worked to bring about the resolution of Palau's political status. We are extremely pleased that Palau has now come so close to that goal. Once the Compact enters into force, we look forward to a continuation of similar close ties to Palau, marked by the same friendly and cooperative spirit as has so long characterized our relationship.

We appreciate the support of the Council in Palau's passage to its new status. In order to facilitate this, we requested the Council to pass a resolution stating that it is appropriate for the Trusteeship Agreement to be terminated upon the entry into force of the Compact of Free Association.

Again, we thank you, Mr. President, and the members of the Council for your support in helping Palau and the United States reach this historic point.

Mr. Stayman (United States of America): I am pleased to extend to you, Sir, the representative of the French Republic, congratulations from the Administering Authority's Department of the Interior on your election as President of the Trusteeship Council. Your knowledge and appreciation of the Trust Territory of the Pacific Islands will enable you to approach your duties with a full understanding of the steps which the Government of Palau has to take in order to develop its economic and political institutions. I also want to recognize the past President, the representative of the United Kingdom, for the guidance he provided the Council.

Pursuant to Article 88 of the Charter of the United Nations, it is my pleasure and honour to present to the Council the forty-sixth annual report on the administration of the Trust Territory of the Pacific Islands, covering the period from 1 October 1992 to 30 September 1993. In line with the degree of self-government which the Government of the Trust Territory of the Pacific Islands has conferred since fiscal year 1987 on the Constitutional Government of Palau, the authorities of the Constitutional Government of Palau provided the material appearing in the annual report. To conform with the annual report's style and length requirements, the material was edited to some degree by the Palau Office, Government of the Trust Territory of the Pacific Islands, the Office of Territorial and International Affairs in the Administering Authority's Department of the Interior; and the Offices of Pacific Island Affairs and United Nations Political Affairs in the Administering Authority's Department of State.

While the status of the Trust Territory of the Pacific Islands has not changed since the last meeting of the Council, much progress has been achieved in removing Palau from the list of Trust Territories. Together, the Administering Authority and the Government of Palau have worked to advance the implementation of the Compact of Free Association between the two nations. I should like now to outline the principal events in that progress over the past year.

In eight separate referendums or plebiscites, the voters of Palau have cast ballots on the implementation of the Compact. As a consequence of the Administering Authority's steadfast policy world-wide that it will "neither confirm nor deny" its use of nuclear-powered vessels or the presence of nuclear weapons on its vessels or aircraft, Article VIII, section 6, of the Palau Constitution of 1979 mandated a 75 per cent approval of the Compact. After six unsuccessful attempts to meet the three-quarters majority, a proposed amendment to the Palau Constitution was offered to the voters under Article XIV, section 2, of the Palau Constitution.

The amendment was approved on 4-5 November 1992 in Palau's regular general election by more than the required figures - that is, by more than a simple majority of the votes cast on the amendment and by 14 of Palau's 16 States. On 14 November 1992 the Palau Election Commission certified these results. Although the amendment went into effect, the physical process of incorporating it into the Palau Constitution was not then accomplished.

Over the past year there have been two major lawsuits in Palau challenging the Compact approval process. The first case was filed by Mr. Yutaka Gibbons, the Ibedul of Koror and others. Article VIII, section 6, of the Palau Constitution provides that the highest chiefs from Palau's 16 States constitute the Council of Chiefs. The Council advises the President of Palau on matters concerning Palau's traditional laws and customs and other major issues in which the chiefs' participation is required. The Chairman of the Council of Chiefs is the Ibedul from Palau's most populous State, Koror. The Ibedul and others dissatisfied with the November 1992 initiative contested its results by filing suit in the Palau Supreme Court. Hearings began on 27 May 1993, when the Supreme Court ordered the trial to start on 17 June 1993. The suit alleged that the Palauan version of the initiative was not an accurate translation of the English text, and that this had caused voter confusion.

On 2 July 1993 the Chief Justice of Palau issued the judgement of the Trial Division of the Supreme Court in the Ibedul's case. The Trial Division ruled against the Ibedul and in favour of those whom the Ibedul had sued - that is, the President of Palau, the Palau Election Commission and other defendants. The Chief Justice found that the Ibedul and other plaintiffs had failed to prove their case by a preponderance of the evidence, much less overcoming the presumption in favour of the constitutional amendment. Accordingly, the Trial Division of the Palau Supreme Court upheld the results of the November 1992 initiative. The Trial Division's decision came on the same day as the Palau National Congress convened in a special session called by the President of Palau to finalize the Compact Implementation Bill of 1993, enabling legislation to implement the Compact.

The Ibedul and 51 other individuals filed a notice on 2 August 1993 with the Appellate Division of the Palau Supreme Court that they were appealing the Trial Division's decision of a month earlier. In their case before the Appellate Division, the Ibedul and the others appealed four holdings of the Trial Division: first, that the constitutional provision establishing amendment by popular initiative was self-executing, secondly, that the Election Commission had properly verified the petition calling for initiative; thirdly, that the language of the ballot measure accurately informed the voters of its intended effect; and fourthly, that the Political Education Committee had fulfilled its statutory mandate.

On 29 October 1993, in the appeal of the Ibedul's case, the three-judge panel of the Appellate Division of the Palau Supreme Court rended its opinion affirming the Trial Division's 2 July 1993 decision against the Ibedul and 51 others and upheld the results of the 4 November 1992 initiative amending the Palau Constitution.

Based on the Appellate Division's holdings, the Trial Division upheld the results of the initiative. In its decision, the Appellate Division affirmed the Trial Division's holdings, found that the initiative process had been properly carried out, that the ballot had presented voters with a clear choice and that the Palau Supreme Court should not disturb the decision of the Palau electorate to amend their constitution. The opinion read:

> "We find no grounds to undo at the courthouse what the people of Palau have done at the voting booth."

On 24 September 1993 a second civil action was filed that could have derailed the Government of Palau's efforts

to hold the 9 November 1993 plebiscite. Filed by Ms. Gabriela Ngirmang and nine other persons, the suit sought to invalidate the November 1992 constitutional amendment referendum on the grounds that the referendum should have been held only after Palau had received a "favorable response" from the Administering Authority to changes in the Compact which the Government of Palau had requested. The suit alleged that Palau had never received such a "favorable response" before holding the November 1992 referendum.

Ms. Ngirmang and the nine other plaintiffs filed a complaint on 19 October 1993 for declaratory relief against the Administering Authority and its Departments of State and the Interior in the Administering Authority's District Court for the District of the Northern Mariana Islands. In their complaint, the plaintiffs prayed that the Administering Authority's District Court would enter a declaratory judgement stating the plaintiffs' right to rely upon the 6 May 1993 letter from the Administering Authority's Secretary of State, the Honorable Warren Christopher, as binding upon the defendants in interpreting and implementing the Compact with Palau.

On 27 October 1993 the Chief Justice of Palau tried the civil case that Ms. Ngirmang and nine others had filed on 24 September 1993. The Trial Division of the Palau Supreme Court filed three documents on 2 November 1993 in the civil action filed on 24 September. The first document was a decision; the second, an order on outstanding motions. The third was a judgement, which, pursuant to the decision dismissing the plaintiffs' complaint, ordered that the plaintiffs' complaint be dismissed and all requested relief be denied.

In a 19 November 1993 letter to the President of Palau, the Chairman of the Palau Election Commission certified the results of the eighth plebiscite, held on 9 November 1993. With 11,562 registered voters, 7,624 votes had been cast, of which 5,192 were "Yes" and 2,415 were "No", or 68.26 per cent in favour and 31.74 per cent against.

About 23 December 1993 the President of Palau submitted to the Palau National Congress under Palau Public Law No. 4-9 the names of seven individuals to make up the Compact transition team, which would identify the steps needed to implement the Compact. In the Supreme Court of Palau, Trial Division, on 3 January 1994, two separate complaints were filed challenging the November 1993 ratification of the Compact of Free Association. The first lawsuit was filed against the President of Palau and the Palau Election Commission. Essentially, the first complaint claimed that, since the Palau Constitution required a 75 per cent vote to approve the possibility of nuclear materials being present in Palau, any amendment to such a constitutional provision should also require approval by 75 per cent. The second lawsuit was filed against the Government of Palau and the Administering Authority. The second complaint challenged the Compact's ratification on three grounds: first, that the Compact had not been approved by two thirds of the Members of each House of the Palau National Congress; secondly, that the Compact's approval had been "procured by coercion"; and, thirdly, that the May 1993 letter of assurances from the Administering Authority's Secretary of State was not a favourable response to requested modifications ad required by Palauan law and that the approval of the Compact was fraudulent.

On 25 March 1994 the Trial Division of the Palau Supreme Court issued a decision and order dismissing the claims set forth in the complaints as originally filed in the 3 January 1994 civil actions, granting the Administering Authority's motion to be dismissed from one of the civil actions and deferring the Trial division's pending decision on the plaintiffs' motion to amend their complaint in that civil action. The plaintiffs did not indicate whether they planned to appeal the Trial Division's decision.

On the issue of whether the May 1993 letter from the Honorable Warren Christopher, the Administering Authority's Secretary of State, constituted a "favorable response" within the meaning of Palau Public Law No. 3-76, the Trial Division found that this was a political question which every Palauan voter could decide and act upon as he or she thought best. No Palauan entering the voting booth was required to accept it.

Each could decide whether it was a favourable response and whether the Compact should be approved or voted down. Any claim that the Christopher letter wrongfully induced Palau's entry into the Compact was one that might be asserted, if at all, only by the Government of Palau itself, which had not done so.

There is now a third lawsuit challenging the Compact implementation process. This is in the courts of the Administering Authority, not of Palau. Just a week ago today, during a scheduling conference in Honolulu, a magistrate in the Administering Authority's District Court for the District of Hawaii set 14 February 1995 as the trial date for Sumang and Wong *v.* Babbitt, Stayman, McDermott, Christopher, Nakamura and the Government

of Palau, a civil action which was filed on 18 February 1994 by two Trust Territory of the Pacific Islands citizens and residents challenging the Compact. The Administering Authority's Department of Justice had asked that no trial date be set until the District Court had ruled on its planned motion to dismiss the lawsuit.

At the conference, the magistrate, first, gave the authorities for the Administering Authority until 30 June 1994 to file for a dismissal, and, secondly, entered a default granting the request of the plaintiff's attorney under the Freedom of Information Act for all environmental studies relating to the Trust Territory of the Pacific Islands.

In their lawsuit, the plaintiffs claim that, first, provisions of the Compact would violate the Administering Authority's environmental laws, and, secondly, the Administering Authority's officials have failed to comply with the National Environmental Policy Act and to prepare an environmental impact statement relating to the Compact.

The plaintiffs also filed suit in the Palau Supreme Court, which dismissed their initial claims but has allowed amended claims, in which the plaintiffs alleged that Trust Territory of the Pacific Islands citizens who were living outside of the Trust Territory were prohibited from voting in the November 1993 plebiscite.

The plaintiffs plan to appear before the Council today or tomorrow. Their attorney has said that they will oppose plans to implement the Compact and will ask the Council to support their campaign against the use of Palau for, as they claim, the Administering Authority's military activities or for nuclear waste or toxic waste disposal by the Administering Authority.

As a representative of the Administering Authority, I can assure the Council that Section 324 of the Compact binds the Administering Authority

> "not [to] use, test, store or dispose of nuclear, toxic chemical, gas or biological weapons intended for use in warfare".

Moreover, with respect to military activities, given changes in the geopolitical situation in the western Pacific, the Administering Authority at this time has no plans to conduct military activities in Palau. If such activities were necessary in the future, then they would, of course, be governed by the terms of the Compact, as approved by the people of Palau.

The road to free association has been long and controversial for the Trust Territory of the Pacific Islands. The Administering Authority agrees with the Government of Palau that the time to implement the compact has arrived. To effect the welcome change, the Compact's entry into force awaits only a few more steps. The Administering Authority is assured that the deliberations of the Council will contribute positively to that process.

The President *(interpretation from French):* I thank Mr. Stayman for his very clear and precise report on the legal procedure regarding the implementation of the Compact of Free Association.

I now call on the President of the Republic of Palau, Mr. Nakamura.

The Honorable Mr. Nakamura (Special Representative): It is a great privilege for me, as President of the Republic of Palau, to address this Council on behalf of the people and the Government of Palau. The Palauan people, and especially the leadership, send their warm greetings and best wishes for the success of the deliberations in this sixty-first session of the Trusteeship Council. We greatly appreciate the opportunity to appear before the Council, and acknowledge with pleasure the attendance of the members of the Council.

Before proceeding any further with my remarks, Mr. President, allow me this opportunity to also congratulate you and the Vice-President on your election to your respective offices. In doing so, I wish also to express our sincere thanks and deep appreciation to your predecessors for a job well done during their tenure. We are confident that the Council will discharge its attendant duties and responsibilities efficiently under your able leadership and direction.

In keeping with past practice and in order for Council representatives to get acquainted with members of this year's Palau delegation, please allow me, Sir, to introduce them once more. With me today and representing the executive branch of our Government are: Mr. Andres Uherbelau, Minister of State, and his special assistant, Gustav Aitaro; Mr. Marcellino Melairei, Minister of Resources and Development; Mr. Temmy Shmull, my Chief of Staff; Mr. Nick Mansfield, Attorney General of Palau; Mr. Koichi Wong, National Planner; and Mr. Ari Nathan and Mr. Michael Chanin, Legal Counsel for the Republic of Palau. I am also very pleased that the head of one of the branches of our bicameral legislature, whom I failed to introduce earlier, is here with the Palau

delegation this morning: the Speaker of the House of Delegates, Mr. Surangel Whipps.

It is truly a great honour to be here today at what I hope is a historic meeting of the United Nations Trusteeship Council - historic for the United Nations, for the United States and for the Republic of Palau. Hopefully, today is the last time Palau will stand before the Council as a Trust Territory under a Trusteeship dating back to the end of the Second World War. The next time Palau stands before the United Nations, it will, we trust, do so as a sovereign and independent country and as a member of this Organization.

I am pleased to report to the Council that there have indeed been considerable achievements in Palau during the year under review. It must be acknowledged at the outset that the extent and scope of these accomplishments could not have been what they are had it not been for the close working relationship with, and the sympathetic cooperation from, the Administering Authority, the great country of the United States of America. For this, I wish to thank the key staff of the Administration of President Bill Clinton, who not only have willingly lent us a helping hand, but have also listened with sympathetic ears to our views and aspirations.

This year the world, as we all know, is honouring those who 50 years ago crossed the English Channel to end a period of tyranny and horror for the people of the European nations. In the Pacific, we will commemorate this year the fiftieth anniversary of many battles, including the Battle of Peleliu in my country, where bloodshed and bravery by all combatants ultimately led to the end of war and brought peace to our great ocean.

Today, the people of Palau stand on the brink of a victory which requires courage and bravery of another kind, but which is equally demanding. We in Palau eagerly look forward to becoming an independent and sovereign nation - the newest nation on the planet.

In doing so, we will finally regain our independence after close to a century of governance by other nations. It is fitting, as we recognize the fiftieth anniversary of key events ending the Second World War, that together we bring an end to the process of nation-building which began in Palau with the end of that war.

As you know, Mr. President, the people of Palau voted last November by over 68 per cent to enter into a Compact of Free Association with the United States of America. Last year, Palau's Vice-President, Tommy Remengesau Jr., advised this Council that the resolution of our status was the highest priority of our Government, and I am very pleased that we can now look forward to implementing the Compact in the near future.

We greatly appreciate the delegation that the Council sent to observe our plebiscite. This plebiscite was conducted fairly and in keeping with our democratic principles. While there have been legal challenges, the fair conduct of the plebiscite has been upheld by every court which has considered it. One case still remains in Palau and there is a case on environmental procedures in the United States courts.

We filed a motion for summary judgement in the Palau case last week; the motion is to be heard by early June. Similar motions are expected to be filed by the United States and the Republic of Palau in the Honolulu case within the next month. We are very confident that both cases will be decided in a timely and fair manner and that the overwhelming decision of the people of Palau to enter into a relationship of free association with the United States will be implemented.

The fact that there are legal challenges is, I believe, truly a tribute to our democratic systems. Citizens must have access to our courts to assert their rights in a free society. While I believe this, I also believe that the people of Palau have spoken decisively at the ballot box and that we must make every effort to promptly implement their decision.

Thus, I am very pleased that the United States and Palau have agreed that 1 October 1994 will be the date on which the Compact of Free Association comes into force, assuming that legal requirements are met. Our two countries have agreed to do everything in their power, consistent with those legal requirements, to meet that date. It is important for the people of Palau and for our internal process that we set a definite and specific date for the implementation of the Compact, and we ask for the Council's support towards this.

It is a tribute to the United Nations and to the Trusteeship Council that this has been accomplished through a democratic process of self-determination by the people indigenous to Palau. For that, I want to thank this body, the United Nations and the many individual Governments involved. I think that I can speak not just for the people of Palau but as a representative of the last Trust Territory in the world, for all of the people throughout the Pacific and the rest of the world who have been able at last

to decide their own destinies and to determine the nature of relationships and governmental structures which best meet their needs. That is a remarkable accomplishment of this Council, the United Nations and its Member Governments.

I am pleased to inform the Council that the people of Palau is ready to assume its rightful place as an independent and sovereign democratic nation among the nations of the world. We will join the international community of nations with a strong tradition of constitutional democracy. Since the adoption of our Constitution over 12 years ago, we in Palau have lived through much turmoil and struggle. Our constitutional Government and our democratic principles have been tested and forged in a crucible of fire. However, I am happy that all of Palau's leaders, including the Olbiil Era Kelulau - our national congress - traditional leaders and State Governments, worked together to ensure that the latest referendum on the Compact was conducted harmoniously and in accordance with democratic principles. We are, I believe, stronger and more committed to these essential principles by virtue of our experiences.

Along with political independence must come economic self-sufficiency. With the Compact implemented, Palau will be strong and financially ready for independence. Our national Government budget is balanced and has been for the last few years. In fiscal year 1994 we had the largest budget ever for the Republic. We are proud that it was balanced and that it had a higher percentage dedicated to education, health and public safety, and a lower overall percentage going to the wages of Government employees, than ever before in our history. Our economy is stronger than ever before, which has contributed to the increase of our local revenues. I am happy to report that local revenue is now equal to, if not greater than, that portion of our operating budget generously provided by the Administering Authority. We reduced Government as the employer of people and simultaneously made it a more efficient deliverer of essential services.

With the assistance of the United States, we have made a lot of progress on a number of fronts. We now have a new hospital, and we are upgrading our health delivery system throughout the States of our country. We have a national drug programme to help remove the scourge of drugs from our people, particularly our young people. We are developing a new prison system and arranging with the United States for improved law enforcement. The Offices of the Special Prosecutor and the Public Auditor have both been filled.

This is not to say that Palau's economic and infrastructure needs have all been met. Indeed, we have much to do to maintain and improve our roads, sewers, power systems, airport and other capital assets. With Compact-related funding and continued cooperation from the United States, we will be able to do that. And we will maintain strong environmental protection.

I have submitted to our national legislature a budget for fiscal year 1995. That budget assumes that the Compact of Free Association between Palau and the United States will begin with fiscal year 1995. It is a balanced and comprehensive budget, which will serve the needs of our people. That budget does not create a larger overall Government structure, but it does increase our spending for health and education, recognizing our continued commitment to provide to our people a high level of services in these critical areas.

In terms of international financial considerations, I am pleased to announce that we have resolved our financial obligations in connection with the building of the power plant in Palau. Palau will enter into independence as a nation that is current and credit-worthy with all its lenders throughout the world.

We have also put in place mechanisms to ensure that we spend our Compact funds and those generated within our economy in a wise and efficient manner. As a prerequisite to the implementation of the Compact, Palau has prepared and presented to the United States a very substantive Economic Development Plan. This Plan describes the current status of Palau in a number of sectors and outlines problems and solutions based thereon. In addition, as is required in an agreement between Palau and the United States, the Economic Development Plan prioritizes the use of approximately $52 million of Compact funding for capital infrastructure projects. We are pleased to present a courtesy copy to the Council today.

We view the funds to be received under the Compact as funds to be spent for the long-term planned economic development of Palau to meet long-term economic goals, and not just the political needs of today. With the assistance of the United Nations, we are also preparing a Master Plan for Palau. This Master Plan will set forth our goals and objectives for economic, social and physical development through the year 2020. We are most grateful for this assistance from the United Nations Development Programme (UNDP) and are pleased that recent discussions with the United Nations and the United States will lead to

appropriate modifications so that the Master Plan will fully meet the needs of Palau.

Although the scope and time parameters of the Economic Development Plan and the Master Plan are different, both Plans are being developed using the same database and mutual input and discussion. Thus, they will effectively work together to meet both the current needs and the long-term, broader issues facing Palau through the year 2020.

Through the life of the trusteeship, the United States has been responsible for the economic development and self-sufficiency of Palau. Over the last several years, and particularly since the beginning of 1993, we have worked together in harmony to resolve what we jointly recognize as the most important issue facing the Republic: the political status of our nation. It is because of the responsiveness of the United States, and specifically President Bill Clinton, Secretary of State Warren Christopher and Secretary of the Interior Bruce Babbitt, that we have resolved the most significant differences between Palau and the United States in this area. It is this new responsiveness that opened the way to approval of the Compact of Free Association between Palau and the United States. We shall continue to look for support and cooperation from the United States in our new relationship.

Finally, let me conclude where I began. I am very proud to be here to represent the people of my country at such a historic time, and we are most grateful for what the United Nations, the Council and the Member nations have allowed us to accomplish. We will need in the future the continued support of the Member countries of the United Nations, including those in this Council, particularly as we look forward to applying for membership in the United Nations.

I hope that the Council will join with the United States and Palau in calling for 1 October 1994 as the historic date for Compact implementation if all legal requirements have been met. I should also like to emphasize that we believe it would be premature to terminate the Trusteeship relation prior to the actual implementation of the Compact, so that we can ensure that there is no doubt about Palau's political status in the interim.

There are still hills to climb, but I believe we are at last ready to make real our self-determination to be an independent and sovereign nation. But we are making our own decision about our own destiny. This is truly the greatest recognition of the dignity of people. For that, I thank the United Nations and the United States of America.

The President *(interpretation from French):* If there are no further speakers on this agenda item, the Council will continue consideration of it later.

It was so decided.

Examination of petitions (T/INF/42)

The President *(interpretation from French):* I propose that the Council proceed to the examination of communications and petitions regarding the Trust Territories of the Pacific Islands.

Members of the Council will recall that in 1988 the Council decided to request the Secretariat to publish a list of communications and petitions received along with a summary of their content. Members have received that list, which is contained in document T/INF/42. We may now begin consideration of these communications and petitions.

If there are no comments on the communications that appear in document T/INF/42, I propose that the Council take note of the communications contained in that document.

It was so decided.

Hearing of petitioners

The President *(interpretation from French):* The Council will now hear the petitioners whose requests for hearing are contained in documents T/PET.10/762 and T/PET.10/763.

Ms. Isabella Sumang and Mrs. Nancy Wong will make statements on behalf of the Coalition of Women's Organizations of Palau to keep Palau Nuclear Free and *Otil A Beluad.*

At the invitation of the President, Ms. Isabella Sumang and Mrs. Nancy Wong took places at the petitioners' table.

The President *(interpretation from French):* I call on Ms. Sumang.

Ms. Sumang: My name is Isabella Sumang. I speak not only on my own behalf, but also for the numerous Palauan women's organizations that have joined together to

try to prevent the loss of our lands and waters to United States military or nuclear development. I thank the Council for listening.

Since the Second World War the records of this Council have been filled with repeated accounts of dislocation and destruction resulting from American military use of, and experimentation in, Micronesia. This body has recorded the devastation of the atolls of Bikini and Eniwetok in the Marshall Islands, and the Council has heard the long unwinding of the documentation of nuclear damage to virtually all of the northern Marshalls. And, of course, there have been repeated accounts of the failures of any Government, whether American or indigenous, to resolve the poverty and dislocation resulting from American military research and development at Kwajalein Atoll.

Each time Palauans read or heard of the damage in the Marshall Islands resulting from United States military activity, or read or heard of the 40-year-long struggle of the people of Guam to obtain compensation for their lands and waters taken by the United States military, we realized that there, but for the grace of God, could have gone Palau.

If the whim of some far-off Pentagon planner had chosen Babeldaop instead of Guam, Peleliu instead of Bikini, Angaur instead of Eniwetok, then we would have been before the Council many years ago, recounting our damage from radiation and dislocation. But, in reality, the far-off Pentagon planners have chosen Palau. They just have not put the radiation into our land and waters - yet.

In our Palau culture, it is women who have responsibility for preserving the land for generations still to come. So when the women of Palau realized that our overwhelmingly male elected leadership was not going to stand up to United States military ambitions, we took it upon ourselves to take action. It is we, the women of Palau, who have organized ourselves and sought help from beyond Palau to fight the plans in the Compact to use Palau for military purposes. It is we who know that the risks of nuclear or toxic waste disposal in our beautiful islands are too real to ignore.

We are sure that the United States Government representatives will say that the United States has no plans to dispose of nuclear or toxic waste in Palau and no present plans actually to build military installations in Palau. If that is the case, we call on them to write that into the Compact - to write it into law. If they truly do not intend to use Palau for any such purposes, it would be easy for the United States Congress to amend the Compact to include provisions that make United States environmental law applicable to Palau and to ensure that Palau is never used for United States nuclear or toxic waste disposal. If the United States Government really does not mean to make Palau its future nuclear waste dump, it can start by giving us the information we have asked for under the United States Freedom of Information Act regarding its environmental studies relating to Palau.

I want to tell the Council about our environmental litigation in Honolulu. On 18 February 1994, Mrs. Nancy Wong and I, together with two other Palauan women, Toyomi James, who lives in Hawaii, and Isebong Isimang, who lives in Palau, filed suit in the United States District Court in Honolulu under the United States National Environmental Policy Act, or NEPA. We are asking the Court to stop implementation of the Compact until the United States has complied with its own environmental law and prepared complete studies of the prospective environmental impacts of the Compact, and particularly the environmental impacts of the military and nuclear clauses of the Compact. We have also sued the Palau Government for the economic losses it has caused all Palau landowners by signing us up without our consent for unlimited American military land acquisition. In the Honolulu NEPA case we have asked that the Federal Court also declare the November 1993 referendum to be invalid, due to the failure of the United States to comply with its own environmental laws in relation to the Compact.

How has the United States reacted to our case? I regret to say that it has essentially ignored it. Under American law, it was required to answer our requests under the Freedom of Information Act by 13 May 1994. It did not do so, and the Court Clerk has entered a default against the United States Government for its failure to file any response to our requests for information.

When we met with the Federal Court in Honolulu on 16 May 1994, neither the Justice Department in Washington, D.C., nor even the United States Attorney's Office in Honolulu sent anyone to the scheduling conference being held by the Court. The Justice Department had sent the Court a three-page memorandum telling the Court that it should not schedule a trial date for our case because the American Government plans to file a motion to dismiss the case. Only after the Court telephoned the United States Attorney's office did anyone representing the United States Government show up. The lawyer who then came had never heard of our case and

knew nothing of the paper filed by the Justice Department asking that no trial be scheduled.

Notwithstanding the United States Government position that the case should not be scheduled for trial, the Court has set a trial date of 14 February 1995. Recent American precedents are highly favourable to us. Only last year, the Federal Appeals Court in Washington, D.C., extended the reach of NEPA to government activities in Antarctica. We do not think it is too much to ask that Palauans be given the same environmental protection now afforded to penguins.

We ask the Trusteeship Council to take particular note of the implications of our claim under the United States National Environmental Policy Act. That law requires any United States Government agency that intends to take any action that may have a significant impact on the environment to produce a formal study of the potential impacts of the action or project. This is information that United States law mandates must be made available before important government decisions are made.

As you, Sir, and the others members of the Council know, for many years Palauans have been reporting at these meetings and to members of Visiting Missions that have come to Palau that we have not had enough information about the Compact or its consequences to make an educated, free choice about it. Palauans have repeatedly stressed that the lack of informed, relevant, fair and open discussion about the Compact raises doubts about the legitimacy of the many attempts to have it ratified in Palau.

Now our lawsuit alleges that the Administering Authority has failed to carry out a very particular obligation under United States law. By failing to follow its own laws requiring disclosure of environmental information about the Compact, the Administering Authority has made a large and negative contribution to the problem of the lack of accurate information about the Compact and its consequences for the land, water and people of Palau.

While the women of Palau will fight the potential in the Compact for a military or nuclear land grab as long as we can, we are asking this Council to tell the American Government, privately if not publicly, that its ambitions for Palau are entirely and totally inappropriate and that if it wants to dispose of nuclear waste or build military bases it should do those things on American soil.

We view the undertaking, in Section 162 of the Compact, on consultation between our Government and the United States as a joke, particularly given the unbridled right of the United States, in Section 163, unilaterally to opt out of any compliance. We call upon this Council to help us stop the advance of unchecked and unconscionable environmental irresponsibility before it gets to Palau.

We want to acknowledge the assistance of conscientious people around the world in our fight against United States military or nuclear expansion into Palau. The Right Livelihood Foundation and its founder, Jakob von Uexkull, have been steadfast supporters of our efforts. We should like to thank our attorney, George Allen, for his help in our cases in Palau and Honolulu.

We regret that our elected leaders felt they had no choice but to yield to American military and nuclear prerogatives. We know we have right on our side. We pledge ourselves to carry on our struggle to keep military and nuclear facilities out of our country. This is the only right thing to do.

We ask the help of this Council in holding the United States to its responsibilities. We therefore respectfully ask the Trusteeship Council to request that the United Nations Environment Programme prepare an independent evaluation of the potential environmental impacts on Palau of the implementation of the Compact of Free Association, particularly its military provisions, and that it present a copy of that report to the Trusteeship Council, the Government of Palau, the Administering Authority, and each Palauan citizen who has presented a petition before the Trusteeship Council in the past 15 years.

We also ask that the Council request the Administering Authority to make monthly reports to the members of the Council on the status of all litigation regarding the Compact pending in Palau or the United States, and that it refrain from making any recommendation that the Trusteeship be terminated or taking any steps towards termination as long as litigation about the Compact is pending in either Palau or the United States.

Finally, we ask the Council to urge the Administering Authority and the Government of Palau not to take any further steps towards implementation of the Compact of Free Association until all litigation about the Compact pending in either Palau or the United States has been resolved.

We have a resolution submitted to the Council for distribution.

The President *(interpretation from French)*: I now call on Mrs. Wong.

Mrs. Wong: On behalf of the Coalition of Women's Organizations of Palau to Keep Palau Nuclear Free, we thank the Council for the opportunity to address it.

Unfortunately, we cannot support statements which have been made on behalf of the Administering Authority to the effect that all is well with its plans to implement a Compact of Free Association between the United States of America and the Republic of Palau.

The longer the process of transition to Palauan self-government is protracted, the more we realize that, while a freely associated relationship between Palau and the United States may be a worthwhile ultimate objective, the specifics of such a relationship as conceived in the Compact of Free Association voted on in Palau in November 1993 are unwise and unworkable.

The concerns of women of Palau are numerous and the specifics of the Compact leave a great deal to be desired. First and foremost, we are concerned that the Compact referendum held on 9 November 1993 was not fairly conducted. To deal with that situation, we filed a case in the Supreme Court of Palau in January 1994. Due to the atmosphere of intimidation which surrounds the transition process, no lawyer who resides in Palau was willing to take our case. Ultimately, we filed the case without the help of a lawyer.

The case, as we had originally filed it, asked our courts to examine the entire process by which the Palau Constitution was subverted in its prior requirement of a three-fourths majority vote of our people before the United States could use Palau for nuclear waste disposal, for nuclear-powered vessels or aircraft, or for the storage or staging of nuclear weapons.

That part of our case was dismissed. Fortunately, we were able to find a lawyer who could help us and with his help we amended the case to call into question the entire issue of voting in the November 1993 referendum, particularly the voting rights of approximately one third of our citizens who live outside Palau.

The conduct of voting in polling places outside Palau has been a sore point in many of the referendums on the Compact. Despite this history, the Visiting Mission assigned to monitor the voting in this referendum made no effort to observe the voting outside Palau, although a large number of votes were affected by it. One problem with this process is that the Palau Government published misinformation through its Washington, D.C., office to the effect that the only Palauan citizens who could vote outside Palau were full-time students. The report of the Visiting Mission is therefore incomplete in an important area and should not be accepted.

In 1989 the United States Congress enacted legislation to ensure that the Compact would not take effect so long as its approval was subject to challenge in Court. The fact that the United States Administration is going forward with plans to implement the Compact, notwithstanding the pendency of our judicial challenge to its adoption, is a good indication that, when it comes to Palau, United States Administrations cannot be counted on to follow even the United States own laws.

From the point of view of numerous United States Administrations, laws - whether they be international law or the domestic law of the Administering Authority - are to be ignored when it suits the strategic aspirations of the United States. My colleague, Isabella Sumang, has already addressed the Council more specifically on the extent to which the United States Government is violating its own environmental protection law by its rush to take over valuable lands and waters for military and/or nuclear purposes.

We believe the Trusteeship Council should tell the Administering Authority in the strongest possible terms that the November 1993 Compact referendum was fatally flawed by the open and obvious mishandling of voting outside Palau. A new referendum should be held to address the need for an open and honest vote among our people on the issue of any future relationship between the United States and Palau. That referendum should be officially observed and monitored by the Trusteeship Council, not only in Palau, but also in all the other places where Palau citizens reside. That includes Guam, Saipan, Hawaii and numerous places on the United States West Coast and elsewhere in the United States.

We therefore respectfully ask the Trusteeship Council to, first, instruct the Visiting Mission to make an inquiry into the conduct of the voting outside of Palau in the November 1993 referendum on the Compact of Free Association and to submit an addendum to its report on that inquiry; secondly, request that the Administering Authority make monthly reports to the members of the Council on the status of all litigation about the Compact pending in Palau or in the United States; thirdly, refrain from making any

recommendation that the Trusteeship be terminated or taking any steps towards termination as long as any litigation about the Compact is pending in either Palau or the United States; and, fourthly, urge the Administering Authority and the Government of Palau not to take any further steps towards implementation of the Compact of Free Association until all litigation about the Compact pending in either Palau or the United States has been resolved.

The President *(interpretation from French):* If no members of the Council wish to put questions to the petitioners, I thank the petitioners for their statements and invite them to withdraw.

The petitioners withdrew.

Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General (General Assembly resolutions 557 (VI) and 753 (VIII)) (T/1981)

The President *(interpretation from French):* Since no members wish to comment on the report of the Secretary-General (T/1981), I suggest that the Council decide to take note of that report and conclude consideration of this agenda item.

It was so decided.

Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII)) (T/1982)

The President *(interpretation from French):* I now call on Mr. Mustapha Tlili of the Department of Public Information to introduce the report of the Secretary-General, contained in document T/1982, and to speak on the activities of the United Nations in connection with the dissemination of information about the United Nations in the Trust Territory of the Pacific Islands.

Mr. Tlili (Department of Public Information) *(interpretation from French):* It is once again an honour for me to introduce this year the report of the Secretary-General on the dissemination of information on the United Nations and the International Trusteeship System in the Trust Territory of the Pacific Islands, contained in document T/1982. The report covers the period from 1 May 1993 to 30 April 1994.

The extent of the efforts of the Department of Public Information to fulfil its obligations *vis-à-vis* the people of Palau is reflected in detail in the report. Those efforts range from the circulation of press releases on debates such as those held in the Council to the design and distribution of the poster on the right to self-determination. Details of these activities are contained in annex I of the report.

The innovative nature of the report submitted to the Council this year by the Secretary-General is due to the wisdom of the President of the Council, to whom I wish to express our gratitude. Following his suggestion, and in conformity with the decision taken by the Council, we asked our colleagues in the secretariat of the Council's Visiting Mission to Observe the Plebiscite in Palau to distribute a questionnaire for us. Its purpose was to measure the impact of our public-awareness campaign on the population. We have received about 20 responses, which are analysed in annex II of the report. This is certainly progress, and I assure the Council that the Department of Public Information will continue to do its best to carry out its task, in particular on the basis of the results of this initial survey.

The President *(interpretation from French):* If there are no comments on the report of the Secretary-General, I propose that the Council take note of the Secretary-General's report contained in document T/1982, and that we conclude consideration of agenda item 7.

It was so decided.

Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV))

The President *(interpretation from French):* If there are no comments at this stage of our consideration of this agenda item, I propose that the Council take a decision on it following the adoption of its conclusions and recommendations.

It was so decided.

Examination of the annual report of the Administering Authority for the year ended 30 September 1993: Trust Territory of the Pacific Islands (T/1980) *(continued)*

The President *(interpretation from French):* If there are no questions for the representative of the Administering

Authority on this agenda item, I propose that we complete our consideration of the item at our next meeting.

It was so decided.

General debate

Mr. Arkwright (United Kingdom): The United Kingdom Government has consistently supported the efforts of the Trust Territory of Palau to achieve whatever form of political status meets its wishes. It is important that the Trusteeship Council give its full support.

The United Kingdom Government welcomes the progress made in bringing to an end Palau's Trusteeship status. The United Kingdom welcomes the results of the plebiscite on the Compact of Free Association held in Palau in November last year. We hope that the outstanding legal obstacles will soon be removed, clearing the way for Palau to adopt the Compact of Free Association. We welcome the assurances from the United States and Palau Governments that they intend to implement the Compact as soon as possible.

The United Kingdom Government is encouraged by the reports of the Administering Authority and the President of Palau which we have received today on the economic, social and educational development of Palau. We trust that the continuing close cooperation between the United States, the United Nations and the Government of Palau will improve further the situation of the Palauan people. The United Kingdom Government reiterates its commitment to assist the people of Palau to achieve a political status of their choosing.

Mr. Foucher (France) *(interpretation from French):* As my delegation has not yet spoken this session, Sir, I should like to begin by welcoming your election. I am sure that under your wise presidency the Council will soon be able to conclude this session, which, as you have pointed out, is a historic one, since we hope it will be the last of its kind.

Allow me also to welcome the delegation of Palau, whose participation, this year and every year, is a very useful contribution to the smooth progress of our work. In particular, I should like to welcome President Nakamura, whose presence in this chamber signifies the constant interest of the people of Palau in our work.

During recent years three of the four entities within the competence of the Council have chosen a new status in accordance with the will expressed by their people. The Trusteeship System now applies only to Palau. Everyone is aware of the urgent need to end that situation, which is no longer justified by political and economic circumstances and which is not in conformity with the wishes of its inhabitants.

In 1992 a Visiting Mission to Palau concluded that the present status of the islands was no longer in line with the degree of political, economic and social maturity the Territory had achieved. My delegation fully endorsed that conclusion, and the report of the Administering Authority for 1993, which has just been submitted to us, confirms it once again.

During the last year new and substantial progress has been made in the Territory: the volume of investment has increased considerably, the tourist sector in particular and the fishing industry have continued to develop, and the educational and medical sectors have also seen considerable improvement, as evidenced by the opening of the National Hospital of Palau in Koror. Indeed, there are many indications of how outdated and obsolete Trusteeship States is for Palau.

It is therefore essential that Palau be able quickly to acquire a new status, in conformity with the aspirations of the population, in order to continue its promising economic and social development on stable institutional foundations. In this regard some decisive - and, we hope, definitive - developments have taken place in the past two years. On 4 November 1992 there was a vote with a large turnout, which would make it possible to overcome the institutional difficulties that have so far been obstacles to Palau's progress. On 9 November 1993 a new referendum was held on the Compact of Free Association. The Trusteeship Council sent a Visiting Mission to observe the process. The results of the voting, as certified by the Electoral Commission, showed that a very large majority of Palauans were in favour of the adoption of the Compact.

We hope that this clear result will soon be finally attained and that the people of Palau will soon be able to administer their own country according to the laws which they have freely chosen. The Administering Authority must, of course, continue to fulfil its obligations until the Trusteeship ended.

I should like to conclude by expressing our gratitude to the representatives of the Secretariat, whose dedication, efficiency and competence have this year once again contributed to good progress in our work.

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian)*: Since my delegation is also speaking for the first time today, I wish to join those who have already congratulated you, Sir, on your election to the position of President for this important and historic session of the Trusteeship Council.

As is well-known, according to the Charter of the United Nations the basic objectives of the Trusteeship System are to strengthen international peace and security and to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence, as may be appropriate to the particular circumstances of each Territory.

In recent years three or four of the Territories under the Trusteeship System have attained a new status, in full conformity with the will of their people. We are dealing today with the situation in Palau, the last Territory where the United Nations Trusteeship System is still functioning. During the current session members of the Council have had the opportunity to consider in depth a comprehensive report by the Administering Authority, the United States, on the situation in the Republic of Palau, and to listen to statements made by the representatives of the United States and Palau as well as to statements made by petitioners. We have been granted the opportunity to clarify specific matters and to receive exhaustive information regarding the political, economic and social circumstances in the Trusteeship Territory and also on those measures which are being taken by the Administering Authority in the implementation of its responsibilities under the Trusteeship Agreement.

This, we feel, has helped us to consider in a businesslike manner the issues on the agenda for this session and also has helped us to have a sufficiently clear picture of the real situation in Palau. The materials and documents presented in the discussions during the course of the session testify to real achievements in a number of economic, social and political areas in the Territory over the last few years, and how this process has been assisted by the Administering Authority.

In addition, the results of the referendum held in November 1993 on the Compact of Free Association and the conclusions and recommendations of the Visiting Mission of the United Nations, which witnessed that historic event, have allowed us to talk about the fact that the people of this Territory have already gone beyond a Trusteeship System and are in truth ready to take charge of their own destiny. At the same time, we understand the difficulties and obstacles that face the people of Palau on this path. There is still a great deal to be done, particularly with regard to developing Palau's industry and infrastructure; resolving land issues; protecting its very fragile and unique environment; establishing effective control over the utilization of marine resources; improving the health-care system and social welfare; and preserving the local culture.

We believe that many of these problems can be successfully resolved during the implementation of the general plan for the development of the Territory, which will allow for the consolidation of the present positive and very promising trends in the socio-economic development of the Territory and establish favourable conditions for the independent development of Palau. This conviction is based on the numerous examples of close, constructive cooperation between the authorities in Palau and in the United States in resolving these problems, which are so important to the destiny of the Territory.

Naturally, it is our view that the obligations of the United States, under the Trusteeship Agreement and to the United Nations Charter, will remain in force until full implementation of the right of the people of Palau to self-determination. In this connection, we note with satisfaction the firm intention of the United States Government to conclude the implementation of the key provisions of the Compact by October this year. Also extremely important, we feel, are the assurances of the representatives of the United States, including those contained in the report presented today by the Administering Authority on the situation in Palau, on the absence of any United States plans to locate military bases on the Territory, which will help the general trend towards reducing the foreign military presence and to develop broad cooperation in this region.

The Russian Federation has always supported, and continues to support, the aspirations of the peoples of the Trusteeship Territories to achieve a political status fully corresponding to their needs and national interests. We express our hope that, as a result of the joint efforts of the United Nations, the people of Palau and all other parties concerned, this Territory - like other, former Trust Territories - will soon become a fully fledged member of the international community. It is pleasant to realize that this current session of the Trusteeship Council is an important step towards the implementation of this noble objective.

Mr. Zhang Yan (China) *(interpretation from Chinese):* First of all, the Chinese delegation would like to take this opportunity to congratulate you, Sir, and Ambassador Gomersall on assuming the presidency and vice-presidency, respectively, of the current session.

The Chinese delegation would also like to take this opportunity to welcome the President of Palau and his delegation to today's meeting.

The major tasks of the Trusteeship Council under the Charter of the United Nations are to further international peace and security and to promote the political, economic, social, and educational advancement of the inhabitants of the Trust Territories and their progressive development towards independence. Through the efforts of the peoples of the Territories and the United Nations - indeed, through the concerted efforts of all sides - most of the Territories have terminated their Trusteeship status and have become independent and equal members of the international community.

Following the termination of Trusteeship in the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands in 1990, the only Trust Territory remaining under the United Nations Trusteeship System was Palau, which held a plebiscite in November last year on its future political status. This was a major event in the political life of the people of Palau. The outcome of the plebiscite marked an important step towards the termination of Palau's status as a Trust Territory and provided the basis for Palau to realize national self-determination and eventually to become an independent member of the international community.

At the invitation of the Palau Government and the Administering Authority, the Trusteeship Council, in accordance with resolution 2197 (LX) of 1 November 1993, sent a Visiting Mission composed of representatives of China, France, the Russian Federation, the United Kingdom, the Marshall Islands and Samoa to observe the plebiscite. During their stay in Palau, members of the Mission met with people from different walks of life, inspected the preparations for the plebiscite and observed the voting and counting. In its report to the Council, the Mission concluded that the plebiscite had been conducted in a free and fair manner.

The Chinese Government and people have always supported the people of the Trust Territories all along in their efforts to achieve national self-determination and in their aspiration for national independence. In the final analysis, the people of Palau themselves are the masters of their own destiny. We therefore respect the choice concerning their country's political future made by the people of Palau of their own free will and based on their national interests.

Pending the forthcoming termination of trusteeship in Palau, the Administering Authority should adopt practical measures to fulfil its obligations under the United Nations Charter and the Trusteeship Agreement and create the necessary conditions for the independence and development of Palau.

The Chinese people cherish friendly sentiments towards the people of Palau. We look forward to Palau's soon becoming an independent member of the international community and setting out on the road to economic development and to building up the country. China is willing to develop friendly relations and cooperation with an independent Palau, based on the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful coexistence.

The President (*interpretation from French*): The Council has thus concluded the general debate.

Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949))

The President *(interpretation from French):* As was agreed in the course of informal consultations, I suggest that the Council appoint a Drafting Committee to prepare draft recommendations to be included in the next report of the Trusteeship Council to the Security Council.

May I suggest that the Committee consist of the representatives of China, France, the Russian Federation, and the United Kingdom?

It was so decided.

The meeting rose at 12.35 p.m.